

Remarks

This is a complete response to the pending Office Action mailed May 26, 2006.

At the outset, Applicant expresses appreciation for the Examiner's thoughtful remarks in the pending action.

In response, these amendments and remarks are proper and do not add new matter, but rather solely serve to more particularly point out and distinctly claim that which is the patentable subject matter of the present embodiments. Particularly, the amendments to independent claims 1, 13, and 21 are made without prejudice in that they are solely clarifying in nature and not narrowing of scope in response to a rejection over a cited reference.

Support for the amendments to independent claims 1, 13, and 21 can be found at least in paragraph [0043].

Rejection Under Section 102(b)

Claims 1, 5-7, 13, and 17-21 stand rejected as being anticipated by Szita '084. Applicant respectfully requests reconsideration and withdrawal of the rejection of these claims in view of the clarifying amendments made herein to each of the independent claims.

Claim 1

Szita '084, like Codilian '635 before, does not expressly disclose reading PES data from non-consecutive revolutions and mathematically combining that PES data together. The Examiner's claim construction has argued and continues to argue that, within the broadest reasonable construction consistent with its usage in the specification,

Szita '084 can be reasonably viewed as disclosing the reading of PES data during a first revolution, seeking away and then returning to the same track during one or more interim revolutions, and then reading PES data during a subsequent revolution. The first and subsequent revolutions would thus be non-consecutive. Unlike Codilian '635, Szita '084 discloses reading PES data during just one revolution. Applicant disagrees that this is a reasonable view of what Szita '084 clearly discloses.

However, Szita '084 only discloses combining the PES data read within each revolution. That is, Szita '084 discloses centering the head over the boundary between adjacent tracks and reading the servo bursts from one of or both tracks in order to measure the dynamic track spacing therebetween. The PES data is "combined" only to the extent that adjacent servo bursts are compared in order to dynamically measure track squeeze. Szita '084 is wholly silent regarding *combining the position error signal data from one of the non-consecutive revolutions with the position error signal data from another one of the non-consecutive revolutions to obtain an estimate of repeatable runout for the first head* as recited by the language of claim 1.

Accordingly, Szita '084 cannot sustain the anticipatory rejection of claim 1 as amended for clarification because it does not identically disclose all its recited features. Reconsideration and withdrawal of the rejection of claim 1 and the claims depending therefrom are respectfully requested.

Claims 13 and 21

For the same reasons discussed above for claim 1, Szita '084 cannot sustain the anticipatory rejection of claims 13 and 21 as amended for clarification because they do

not identically disclose all the recited claim features which include *combining the position error signal data of two or more of the non-consecutive revolutions to obtain an estimate of repeatable runout*. Reconsideration and withdrawal of the present rejection of claims 13 and 21 and the claims depending therefrom are respectfully requested.

Allowable Subject Matter

Applicant gratefully acknowledges the indication of allowable subject matter recited by claims 2-4 and 14-16. However, Applicant has opted to not place these claims in independent form because it is entitled to the broader scope of the independent claims from which these claims depend.

Conclusion

This is a complete response to the Office Action mailed 5/26/2006.

Applicant has also filed herewith a Request for Telephone Interview to be held before the Examiner makes the next action on the merits. The interview is necessary, absent allowance, to settle the unresolved issues making this case presently not in condition for allowance where the extended prosecution in this case has already unduly delayed the issuance of Applicant's valuable patent rights.

Should any questions arise concerning this application, the Examiner is encouraged to contact the below signed attorney.

Respectfully submitted,

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